



Indiana Judicial Nominating Commission

30 South Meridian Street, Suite 500
Indianapolis, IN 46204
(317) 232-4706

Application for the Indiana Supreme Court

The application for the Spring 2016 vacancy on the Indiana Supreme Court includes two parts. Both Part One and Part Two must be completed. Part Two *must* be provided separately as directed in the instructions. Answers in Part One and Part Two are a matter of public record and will be supplied to the media and public upon request. However, only answers in Part One may be posted online by the Indiana Judicial Nominating Commission.

Part One, Sections 1-11

1. Contact/General Information

A. Full legal name and any former names.

Thomas James Felts

B. State the full name (use initials for minor children), age, and relationship of each person residing in your household. For each adult living in the household (other than yourself), also state the person's occupation and employer.

Kathryn Anne (Venderley) Felts, Age 61, Spouse. Nurse Practitioner, Parkview Health System, Fort Wayne, IN

C. Business address, email, and telephone number.

Allen Circuit Court, 715 South Calhoun Street, Room 300, Fort Wayne, IN 46802, (260) 449-7602, thomas.felts@co.allen.in.us.

D. Attorney number.

6806-02

E. Month and year you were admitted to the Indiana Bar.

May, 1979

a. Indicate current law license status, i.e. active/inactive/retired.

Law license is active.

- b. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide date(s) of admission and current license status.

N/A

- F. Date and place of birth.

August, 15, 1954, Fort Wayne, IN

- G. County of current residence and date you first became a resident.

Allen County, IN – August 15, 1954

2. Secondary Education/Military Experience

- A. List all undergraduate colleges and universities you attended. Include the school name; dates enrolled; degree or certificate earned; and any academic honors, awards, or scholarships you received and when.

University of Notre Dame, Notre Dame, IN.

August, 1972 – May, 1976.

Bachelor of Arts, Government and International Affairs

Hoosier Scholar

Dean's List, 3 semesters

- B. Include with your original application a certified transcript from each school named in Subsection 2A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

Original transcript is attached.

- C. If applicable, list any military service. Include the name of the military branch; dates of service; last rank achieved; and any honors, awards, or commendations received and when. Attach a copy of your Certificate of Release or Discharge from active duty ("DD 214" paperwork).

N/A

3. Post-Secondary Education

- A. List all law schools, graduate schools, and post-J.D. programs attended. Include the school name; dates enrolled; degree or certificate earned; class rank; and any academic honors, awards, or scholarships you received and when.

Indiana University (Maurer School of Law) – Bloomington, IN.

August, 1976 – May, 1979

Juris Doctorate

- B. Include with your original application a certified transcript from each school named in Subsection 3A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

Original transcript attached.

I am a graduate of the Indiana Judicial College (2002) and completed the Indiana Graduate Program for Judges (2002).

4. Employment

- A. Provide your employment history since graduation from college. Include name of employer, titles or positions, locations, and dates of employment.

**City of Fort Wayne Parks Department, Fort Wayne, IN
Playground Leader
May, 1976 – August, 1976**

**Huguenard Construction Company, Fort Wayne, IN
Summer handyman
May, 1977 – August, 1977**

**Purdue – Indiana Theatre, Fort Wayne, IN
Summer musical director
May, 1977 – August, 1977**

**Raver, Federoff & Lowenstein/Thomas S. Locke/Norbert J. Schenkel Law Offices, Fort Wayne, IN
Summer law clerk
May, 1978 – August, 1978**

- B. If applicable, describe the nature and extent of your practice of law (present and former), and provide the names of your partners, associates, office mates, and employers.

**Raver, Federoff & Lowenstein Law Firm, Fort Wayne, IN
May, 1979 – November, 1980
Associate**

As the new associate in a general civil practice office I performed a variety of tasks, including legal research and writing, assisting with trials and briefing, sitting second chair in trial, traveling to adjoining counties for collection-related hearings, and trying to develop my own clientele.

**Paul C. Raver, James A. Federoff, Solomon L. Lowenstein, Denver C. Jordan
(Attorneys)**

**Burt, Blee, Hawk & Sutton (now Burt, Blee, Dixon, Sutton & Bloom), Fort Wayne, IN
November, 1980 – September, 1989**

I was an associate for six years with BBH&S (a 14-attorney firm at that time), becoming a partner in January, 1987. My work at the firm reflected its general civil practice – I assisted the partners in complex banking and real estate matters (J. Philip Burt), small corporations and probate matters (Thomas J. Blee) and property and business transactions (Dennis D. Sutton). I assisted Daniel K. Leininger in the firm’s litigation practice, both jury and bench trials, handling pre-trial discovery and depositions, opening statements, voir dire of jurors, examination of witnesses and closing statements, in both Federal and State courts. I prepared and argued summary judgment motions and was the primary author of appellate briefs in the office.

At the same time I was developing my own general civil practice, having clients with domestic relations, bankruptcy, real estate and probate issues, among others. After I became a partner I became involved in the administration of the firm, writing the first compensation agreement in the firm’s history.

J. Phillip Burt, Thomas J. Blee, David K. Hawk, Dennis D. Sutton, Daniel K. Leininger, George Martin, Wesley N. Steury, W. Michael Horton, Michael T. Blee, Michael Mustard, Nancy Eschoff Boyer, Daniel P. Ryan, Millard P. Plumlee, III, Charles P. Rice, Eugene E. Parker, Thomas J. Dixon (Attorneys)

5. Trial/Judicial Experience

A. Describe the extent of your jury trial experience, if any.

While in private practice I assisted the litigation partners in jury trial preparation and conducting the trial as mentioned above. While on the bench I have presided over both civil and criminal jury trials, with the Allen Circuit Court having conducted 32 jury trials since I became the judge in 2003 (I presided over all but a very few).

B. Describe the extent of your bench trial experience, if any.

While in private practice I was counsel in hundreds of bench trials, primarily civil in nature, in a variety of legal areas as indicated above. While on the bench I have presided over literally thousands of bench trials, ranging from short hearings to multi-day trials, again both civil and criminal.

C. If applicable, describe the nature and extent of your judicial experience (including as a judge *pro tempore*). Include a description of your experience presiding over jury trials, if any.

I served as judge pro tempore several times in 1987-89 before I was appointed as Magistrate of the Allen Circuit Court on October 1, 1989. As Magistrate I presided over a predominantly domestic relations calendar until January 1, 2003 when I was sworn in as Judge of the Allen Circuit Court. I have served as judge since that date, and as a court of general jurisdiction, my cases have been criminal, civil, domestic relations and paternity in nature.

I have prided myself, since I assumed the bench, to having made it a point to rotate calendars each month with my two magistrates. This means that I regularly and currently preside over a wide variety of cases each month, ranging from criminal OWI felonies hearings to dissolution of marriage, custody and parenting time hearings to paternity and child support enforcement hearings.

6. Professional Experience

Include as writing samples, four selections (in total) from the written materials listed below in Subsections 6A – 6C.

A. If applicable, list up to five trial or appellate briefs and/or judicial opinions you have written. Refer to them by caption, case number, and filing date.

(1) ALKHAIRY HOSPITALITY, LLC and TARIQ ALKHAIRY vs. FAUZIA ALKHAIRY and AMERICAN INSTITUTE OF MEDICINE, LLC / DR. FAUZIA ALKHAIRY, M.D. and AMERICAN INSTITUTE OF MEDICINE, LLC vs. ALKHAIRY HOSPITALITY LLC, TARIQ ALKHAIRY, ALKHAIRY PROPERTIES, LLC and ALKHAIRY EDUCATION, LLC, Allen Superior Court Cause Number 02D01-1211-CT-545, January 30, 2013 (Special Judge) (writing sample included)

(2) ABELLATECH, INC. vs. CHRISTOPHER LAUER, LAUER SOLUTIONS, LLC and OIL MANAGEMENT SERVICES, LTD., Allen Circuit Court Cause Number 02C01-1203-PL-16, April 11, 2013

(3) DON NIEMEYER and JON NIEMEYER vs. ALLEN COUNTY, INDIANA BOARD OF ZONING APPEALS and S2F, INC., Allen Circuit Court Cause Number 02C01-1306-PL-31, January 8, 2014

(4) CENTRAL CHRISTIAN CHURCH (DISCIPLES OF CHRIST, HUNTINGTON, IN) FOUNDATION, INC. vs. CENTRAL CHRISTIAN CHURCH OF HUNTINGTON, INDIANA, INC., Huntington Circuit Court Cause Number 35C01-1309-PL-667, February 25, 2014 (Special Judge)

(5) PETER S. BEZICH, individually and on behalf of a class of others similarly situated vs. LINCOLN NATIONAL LIFE INSURANCE COMPANY, Allen Circuit Court Cause Number 02C01-0906-PL-73, June 12, 2014 (writing sample included)

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, date, and subject matter.

(1)(a) INDIANA CODE 33-23-6 et seq: CIRCUIT COURT AND SUPERIOR COURT DOMESTIC RELATIONS ALTERNATIVE DISPUTE RESOLUTION (writing sample included)

This bill, enacted in its present form in 2003, established on a statewide basis an Alternative Dispute Resolution Fund for those counties wishing to participate. This effort actually began with legislation originally passed in 1995 which established the first ADR Fund as a pilot project in Allen County.

It is important to put this legislation into context to reflect back now almost 20 years. ADR efforts, primarily mediation, were very rarely utilized in domestic relations and paternity cases. The prevailing feeling at the time, shared by judges and lawyers alike, was that ADR efforts would never work in family law cases due to the emotions which often exist in these cases (especially when children are involved). The initial efforts were spearheaded by State Rep. Phyllis Pond and my boss Judge Thomas L. Ryan, but since Judge Ryan did not personally handle domestic relations cases, and I was his magistrate whose court calendar was almost exclusively domestic relations cases, it was left to me to actually administer the pilot project and become the “face” of the project statewide.

The Indiana General Assembly passed a bill in the 1997 session to establish the Allen County ADR Pilot Project for a period of two years, beginning in February, 1998. Our early results in Allen County were nothing short of outstanding. Successful mediation of domestic relations resulted in cost savings to the parties and the courts, a greatly-shortened wait for those cases which needed to proceed to trial, and a much higher compliance rate for parties post-dissolution. Based on these results, the legislature approved an additional two-year extension in 2000 with results being monitored by the Indiana Judicial Conference. These efforts proved more successful than ever, so Representative Pond sought to expand the project statewide. The Indiana Judicial Center was very interested in our progress, and I made presentations on numerous occasions in the late 1990's to the Indiana Judicial Conference. I appeared with Representative Pond to testify numerous times in the years 2000 – 2003 before various committees of the Indiana General Assembly, with our efforts finally coming to fruition in 2003 with the bill's passage. Following its passage and implementation statewide, I was then tasked by the Indiana Judicial Conference to present the legislation to my fellow judicial officers, and I made appearances statewide at the biannual Indiana Supreme Court district meetings and at the annual judicial conference to explain the legislation and encourage judicial officers to participate.

It is astounding to see the culture shift which has occurred as a result of this legislation and related efforts. In most areas of the state, alternative dispute resolution of family law cases has become standard operating procedure. The state as a whole has realized the benefits Allen County recognized early on – costs savings, shortening of

time in which cases are set for trial and greater compliance with mediated agreements (as opposed to court-determined decisions). Mediation offices have opened and expanded with some attorneys who formerly handled domestic relations cases as advocates now serving as mediators. Mediation classes are being taught in law schools and mediation clinics have been opened. It would be unthinkable to return to the way business was done “as usual” prior to this legislation.

The success of this legislation is certainly one of the highlights of my legal and judicial career. Because of the trailblazing nature of this legislation, and the tremendous culture shift which followed, the way domestic relations cases are handled in Indiana was changed forever, resulting in less expense of time and money and greater results overall for children and families.

This success also spurred me, in 1998, to become a Certified Family Mediator, a designation I have retained ever since.

(b) INDIANA RULES OF COURT ALTERNATIVE DISPUTE RESOLUTION RULE 1.11: ALTERNATIVE DISPUTE RESOLUTION PLANS (writing sample included)

This Indiana Supreme Court Rule was the codification of the process outlined above for counties who wished to begin and develop ADR plans. As stated, these counties must develop and submit their plans to the Indiana Judicial Conference, then receive approval thereof from the Executive Director of the Indiana Supreme Court Division of State Court Administration.

Currently there are 42 counties, including all of the state’s most populous counties, who have ADR plans, most if not all of them modeling from the Allen County Plan.

(2) INDIANA CODE 33-38-6-9 and INDIANA CODE 33-38-8-14: JUDGES RETIREMENT SYSTEM and 1985 RETIREMENT, DISABILITY, AND DEATH SYSTEM

This bill, enacted in 2008, accomplished two things which had been long-time goals of Indiana’s judges and magistrates: (a) including magistrates in the judges’ retirement system, and (b) providing a cost-of-living adjustment for those judges (and now magistrates) who had begun their judicial careers after 1985. This was an effort long sought by the Indiana Judges Association, and as its President in 2008, I was primarily responsible for shepherding the legislation through the General Assembly, including testifying before House and Senate committees, meeting with individual legislators and working with our lobbyists to bring the bill to fruition.

It may appear on the surface that this legislation is only important and beneficial to judicial officers. However, as I argued at the time before the General Assembly, it was a very important issue in terms of being able to attract and retain the best candidates to the bench, both judges and magistrates. Prior to this legislation, magistrates participated in the general state employees PERF pension which, while certainly a

benefit, failed to provide the same level of incentive to encourage attorneys to apply for magistrate positions, and once appointed, to make this a career choice. Additionally, those judges who retired while participating in the 1985 retirement system (there was additionally a 1977 system in place for those with earlier service) were not eligible to receive any cost-of-living increases – i.e. the pension benefit they received upon their retirement remained frozen thereafter. This legislation which authorized cost-of-living adjustments (the same salary adjustment to be received by existing trial court judges) not only equalized the two judges' retirement systems (providing parity) but gave an additional incentive to attorneys to want to become judges.

What is perhaps most important about helping to accomplish the passage of this legislation, in terms of this application, is how it speaks to my ability to collaborate with others to achieve a desired goal, being able to talk with legislators and having an enhanced understanding about how the legislative process works.

(3) INDIANA CODE 33-33-2-3 ALLEN COUNTY MAGISTRATES

This bill, passed in 2012, in effect converted the position of a county-paid hearing officer to that of a state-paid magistrate. This change permitted this judicial officer to enjoy the benefits which come with being a magistrate, much of which has been discussed in the preceding paragraph.

Again, this bill on its surface would seem only to benefit the particular individual who personally benefited from this change of position. But again, as explained in part above, the enhancement of this position enables me (and other trial court judges who have since followed suit) to be able to attract and retain the most qualified candidates for magistrate positions. This gradual conversion of county-paid judicial positions (commissioners, referees and hearing officers) to state-paid magistrates is incorporated in the Indiana Supreme Court's white paper "A New Way Forward", first published in 2009 and adopted by the Indiana Supreme Court in endorsing the work thereon performed by its Strategic Planning Committee of which I've been a member since its inception in 2008.

Again, as referenced above, what is important about the passage of this legislation is how it demonstrates my ability to work with those in the legislature to accomplish a desired goal. I began work on this process in 2009 and just kept plugging away at it each year, testifying before committees, talking with legislators, etc. It was finally in the middle of the 2012 session that I privately spoke with Senator Richard Bray, the Chair of the Senate Judiciary Committee, who told me that (even in a non-budget year) he would support the legislation in recognition of my efforts. The bill was passed unanimously by both houses and signed by the Governor later that year.

My efforts on all these legislative matters speak to my ability to collaborate with the members of the legislative branch of state government. I am called upon frequently to assist members of the General Assembly and its supporting staff on legislative

matters which affect the judiciary. It is very clear that all members of the judiciary, from trial courts up to and including the Indiana Supreme Court, must partner with the Indiana General Assembly more than ever in moving Indiana's court system forward (especially in the area of technology) as funding becomes ever more crucial. I have demonstrated with my work on these pieces of legislation (and others not listed), my service on the Indiana General Assembly Commission on Courts (n/k/a Interim Committee on Courts and the Judiciary) and my presentations to the legislators as part of the annual Law School for Legislators that I have great rapport with those in the General Assembly and would be a great asset to the Indiana Supreme Court in this capacity.

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

I have been asked from time to time to author articles for legal-related publications (most recently I authored an article for "Domestic Help", the newsletter of the Allen County Bar Association Family Law Section on the use of guardians ad litem) and I have included one of these articles as a part of this application. It was written at the request of Matt Light, then the Chair of the Indiana State Bar Association's Young Lawyers Section, who asked me to write on any topic which I thought would be pertinent to young lawyers, and was published in the Young Lawyers Section Fall, 2013 newsletter. As you can see, I chose to write about how lawyers, especially young lawyers, can and should be involved in their local not-for-profit communities. I wrote about my personal experience – how I became involved, some of the boards and projects on which I worked, the benefits I realized – and encouraged young lawyers to follow suit. I was told later that the article received many positive comments from the Young Lawyers Section members.

As a part of the ADR efforts mentioned above, I authored an article for The Indiana Lawyer in October, 1997 describing the development and implementation of our pilot project. As our efforts improved, I authored a follow-up article which appeared in the January, 1998 issue.

- D. Identify the five most significant legal matters entrusted to you, whether as a judge or lawyer, and describe why you believe them to be so.

(1) UNITED STATES OF AMERICA vs. RAYMOND TURNER, United States District Court, Northern District of Indiana, Fort Wayne Division (1980 – Cause number unknown)

This Federal Court criminal case marked both my first appearance in Federal Court and my first jury trial. It has remained significant to me for what I learned about the importance of representation for all clients, regardless of economic or other status. I also learned a great deal about judicial demeanor and how to effectively deal with attorneys and parties, lessons which I employ to this date.

As every young lawyer in the Fort Wayne area knows, especially those who began practicing in Federal Court prior to the early 1980s, every lawyer was expected to provide pro bono legal work to indigent criminal defendants in Federal Court. It became a matter of a combination of dread and excitement when the expected call from “Mrs. Green” (United States District Court Judge Jesse E. Eschbach’s Secretary) came.

I received my call in early 1980 to represent Raymond Turner, who had been accused along with another individual in a cocaine sale and possession operation here in Fort Wayne. While I had by this time made several court appearances on motions and had tried several misdemeanor and small claims court matters, I had never before had the experience of appearing in Federal Court nor had any jury trial experience. The Raymond Turner case gave me both experiences at the same time.

I regard this matter as being significant for the reason that I will always remember it as my first jury trial, and I learned a great deal from the counsel for the other defendant and especially from Judge Eschbach. I learned about negotiations with the District Attorney’s Office, about preparation and argument of jury instructions, about voir dire of potential jurors, as well as a great deal of respect for Judge Eschbach in the way he conducted the court. I suppose that my memory is better enhanced by the fact that, while the other more “primary” defendant was found guilty, my client was found not guilty. I will never forget Judge Eschbach and the way he addressed attorneys, parties, witnesses and the general public with the utmost respect and courtesy, yet remained very much in control and conducted his proceedings with a firm hand.

(2) NUCKOLS, et al., vs. FORT WAYNE CITY COUNCIL, et al., United States District Court, Northern District of Indiana, Fort Wayne Division, Cause Number F-82-0411 (1982)

Following the 1980 census, the Fort Wayne City Council districts were required to be redistricted. The resulting districts were drawn in such a fashion that the vast majority of Fort Wayne’s minority population in 1981-1982 was placed in the First District, seeming to thus ensure there would at most be one minority representative on the Fort Wayne City Council.

My law firm was contacted by a number of prominent local African-Americans, headed by Pearl Nuckols, the widow of John Nuckols, who had recently died as the longstanding First District City Council Representative. We were asked to file suit against the Fort Wayne City Council, the Allen County Election Board, and the Mayor to force a redrawing of the city council districts to better reflect the city’s growing minority population.

I regard this matter as being significant for the reason that I was involved from the very beginning, working with J. Philip Burt in my office, in the meetings with the clients, the drafting of all documents filed with the Federal Court (including a 32-page complaint), pre-trial conferences with Judge Lee, and especially negotiations with the

various governmental bodies including the Fort Wayne City Council. I made my first appearance before the City Council at this time with the lawsuit eventually being settled by the Council agreeing to redraw the districts to include more minority representation in the Sixth District. I am sure that it is no accident that, very shortly thereafter, an African-American man was appointed to fill the remaining term left by the resignation of Jimmy Stier and that the Sixth District has had an African-American council representative ever since.

This case is further significant on a personal level in that I had written my senior government project on the issue of “gerrymandering,” and this was yet another case where I felt my prior education was “brought to life.” I also have enjoyed the political process and again, this matter presented a first-hand experience for me. It spurred me to remain as active as possible in the government and political process, which set the stage for my significant involvement in my later career in the legislative process with the General Assembly and other bodies.

(3) HOYLE vs. HOYLE, ALLEN SUPERIOR COURT CAUSE NUMBER 02D07-8306-DR-1689 (1983)

Every trial attorney knows that he or she gains a great deal of satisfaction from preparing well and performing at trial to the best of one’s ability. Doing one’s best is always important and gratifying on its own, but there is no replacement for doing one’s best and also winning, especially in a situation where you are the clear underdog in a matter of extreme importance to your client. This is why the Hoyle case, while early in my legal career, is so very significant to me.

In late 1982, David Hawk of my firm called me in to take over a dissolution action for an old high school classmate of his named Ken Hoyle. Mr. Hoyle had filed the dissolution action and was seeking custody of his two children. This was the first dissolution action where I handled the case from start to finish and which involved a custody dispute. It was very unusual at the time for a father to be awarded custody in the Allen County court system. The trial itself lasted four days and it was again the first trial which involved all the aspects of trial preparation that I later would encounter on a more frequent basis—depositions, interviewing witnesses, obtaining records, preparing witnesses, etc. What made this matter more significant as far as I was personally concerned was that my opposing counsel in this case was Howard Grimm, Jr., an attorney whose trial experience was far greater than mine.

This case is further significant to me in that I learned a great deal about myself during the trial process. I learned that I became very aware, more than ever before, of the serious nature of the work I was doing. It was very crucial to my client, and to me, that he be awarded custody of these children and I felt very responsible that this indeed would be the end result. Mr. Hoyle was awarded custody and I will never forget his overwhelming gratitude and respect when we received our favorable decision.

I regard this case as being further significant in the sense that the trial court decision was appealed and subsequently affirmed by the Indiana Court of Appeals. In a number of cases since then when I was doing research for cases while in private practice, and as well since in my present position, the Hoyle case has been cited as authority for a number of matters, especially those dealing with the effect of a party's psychological condition on the issue of child custody. This was an area that had not been greatly explored in prior appellate court decisions, so perhaps in some fashion, a "new" standard was handed down by the appellate courts through this case.

I have now presided over dozens of custody trials (undoubtedly the most difficult I encounter) and, largely due to the experience I gained in the Hoyle case, I feel a sense of connection with the attorneys and litigants during this most difficult time in their lives.

(4) CITY OF FORT WAYNE on behalf of the DEPARTMENT OF REDEVELOPMENT vs. SOUTHTOWN PROPERTIES, INC., et al, ALLEN CIRCUIT COURT CAUSE NUMBER 02C01-0310-PL-140 (2003)

This case is significant to me in that it was my first large scale public civil trial since I had been elected as judge. It also forever imbedded in me the utmost respect for our jury trial system and how important and powerful anyone's participation in that system can be.

The case was filed in October, 2003 amid a great deal of publicity and public attention. A large mall on Fort Wayne's south side had prospered in the 1970's – 1990's (in fact, my first job was at Walgreen's Restaurant in Southtown Mall when I was 17) but stores were closing and business was falling off in the late 1990's. Fort Wayne's mayor had made it an election issue and campaign priority to revitalize the south side of the city, and specifically, Southtown Mall as its anchor.

The City sought to condemn the mall for economic development purposes along the lines of the Kelo v. City of New London cases. The mall's owners offered some resistance at first, but after a couple of hearings, decided not to further challenge the taking of the property itself but concentrated more on obtaining what they determined to be the proper value. Complicating the case was the fact that there were multiple owners with competing interests, a host of tax problems affecting the real estate, and a constant stream of publicity since so much was at stake for the City fiscally, politically and otherwise. There were also a host of discovery-related matters, as Indiana law at the time was not very well defined in this area. The issue of proper compensation for the taking was submitted to a jury and the trial lasted four days. Several experts were called in and there were approximately 6-8 lawyers in the courtroom at any given time.

I have many memories of the trial, three of which stand out in particular: I will never forget the sweat running down my back when Fort Wayne's mayor took the witness stand to testify. We knew each other but were not close friends, and although politics were of course never expressly mentioned, the fact that he was a Democrat-

elected mayor and I am a Republican-elected judge was at least hinted at in the press. Secondly, I recall opening the jury's verdict form and seeing their decision as to value: \$4,509,000.00. In closing arguments, the two sides ended up being about \$7 million apart in pleading their case to the jury and this valuation was almost exactly in the middle of the spread. The courtroom was packed with the mayor, other city officials, business leaders and press in attendance. I wanted to be sure I got the number right!

My favorite memory of the trial was talking with the jurors afterwards. One woman in particular started crying after I came into the jury room, so fearful and worried that they had done a good job. I assured them that they had done very, very well – that what they had done was exactly what our jury system is all about. The particular woman then told me that she was so grateful to be an American, that she was a server/hostess at a local country club, and yet despite her perceived lowly position, she was able to participate in a process involving very important and wealthy people – all while still in tears. It certainly was a very proud moment for me to be able to be a part of such a great system.

The jury decision was appealed and the Court of Appeals noted that the issues raised were ones of first impression in Indiana. The vast majority of the decisions I made at the trial court level, evidentiary and discovery in nature, were upheld, with the case being remanded to rectify a minor matter regarding liability for three years' of property taxes.

(5) PETER S. BEZICH, individually and on behalf of a class of others similarly situated, vs. LINCOLN NATIONAL LIFE INSURANCE COMPANY, ALLEN CIRCUIT COURT CAUSE NUMBER 02C01-0906-PL-73 (2009)

This class action lawsuit, filed in June of 2009 but not really significantly litigated until 3-4 years later, is simply the biggest case I have presided over in terms of dollars at stake. This lawsuit questioned the pricing of a certain group of insurance policies sold by Lincoln Life, with potential damages totaling approximately \$175,000,000.00. As you can imagine, with that much money at stake, this case was extremely well litigated by top trial counsel from all over the country. At the hearing on class certification, there were 13 lawyers in the courtroom, coming everywhere from Washington, D.C. to San Francisco – a far cry from what I normally see in my courtroom.

There were many issues involved in the case, and it wasn't very long before I had accumulated several large court files. What was astounding to me, even for someone who had been a lawyer and judge for so many years, was that the entire case turned on the meaning of two words buried in the many pages of the subject insurance policies – “based upon” – that premium increases charged by Lincoln were “based upon” a number of factors.

Most of the work I did on the case had to do with class certification. I had not handled a class action case before and was therefore presented with many issues and

procedures new to me. I entered a very detailed order on June 12, 2014 in which I determined that class certification was proper for one particular set of potential plaintiffs but that two other particular sets of plaintiffs did not satisfy the legal test therefore, basing my decision almost exclusively on Indiana law, in large part relying on case law from other jurisdictions. My decision was appealed with the Indiana Court of Appeals affirming in part and reversing in part. Lincoln petitioned for transfer to the Indiana Supreme Court, which accepted transfer in August, 2015. Subsequently, but before any action was taken by the Supreme Court, the case was settled with the final settlement documents scheduled to be entered on February 4, 2016.

This case is significant to me not only because of the large amount of money at stake, but even after being on the bench for approximately 25 years (at the time), this case reaffirmed for me my abilities to handle a case of this complexity and magnitude. Presiding over cases on a day-to-day basis is never boring but often routine, and when a case like this comes along, with its complex issues and highly-skilled counsel, it is affirming to know that I can handle the tough cases as well.

7. Efforts to Improve the Legal System, Administration of Justice, or Society

- A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice. Include a description of any management or leadership roles you undertook to achieve these goals, and describe any specific instances in which your collaborative efforts helped achieve these goals.

Serving as a trial court judge (and previously a magistrate) gives me abundant opportunities to work toward the improvement of the law, the legal system and the administration of justice. I do this on a daily basis by treating all with whom I come into contact with dignity and respect. I have also described elsewhere my dedication to mentoring young lawyers (mentioned particularly by The Indiana Lawyer newspaper in naming me as a Distinguished Barrister in 2012), not only those who appear in my court and the law clerks, interns and externs I have employed, but particularly those involved in the ISBA's Leadership Development Academy. I devote a great deal of time getting to know these young lawyers personally and speaking with them about becoming leaders in the legal and their local communities.

I have also listed elsewhere in this application my involvement in various bar and other organizations devoted to the improvement of the law and the administration of justice. In addition to those otherwise listed, I have served on the following:

INDIANA SUPREME COURT JUDICIAL TECHNOLOGY AND AUTOMATION COMMITTEE
DOMESTIC RELATIONS RAPID RESPONSE TEAM (2003 – 2004), a group which formulated the first set of domestic relations computer network default entries under the direction of Judge Paul Mathias;

INDIANA FORENSIC DIVERSION STUDY COMMITTEE (2004 – 2007), a group initiated by the Indiana General Assembly to develop forensic diversion programs across the state for those in the criminal justice system with mental health issues;

INDIANA GENERAL ASSEMBLY COMMISSION ON COURTS/INTERIM COMMITTEE ON COURTS AND THE JUDICIARY (2007 – PRESENT), serving as the trial court judges' representative on this legislative committee which addresses court needs and issues related to the courts and the judiciary;

ALLEN COUNTY COMMUNITY CORRECTIONS (2003 – PRESENT), a statutory board which governs community corrections services in Allen County and serves as a policy making group for the local criminal justice system. I have served as Vice-Chair since 2003;

ALLEN COUNTY PUBLIC RECORDS COMMISSION (2003 – PRESENT), a statutory group devoted to policy making regarding the maintenance and preservation of government records;

ALLEN COUNTY DRUG & ALCOHOL CONSORTIUM, INC. (2008 – PRESENT), a group which works toward prevention of alcohol and drug related issues in the local community (I serve on its Strategic Prevention Framework – State Incentive Grant advisory committee).

Additionally, I have served as faculty for numerous presentations by the Indiana Judicial Center, the Allen County Bar Association, Indiana Tech Law School and related groups. I have lectured/presented on the following seventeen (17) subject matters: domestic relations, paternity, alternative dispute resolution, criminal law, criminal procedure, evidence, professional responsibility, probation, professional relationships, dealing with the media, extra-judicial activities, legislation, judicial balance, fiscal management, expungement, judicial administration and judicial ethics, including these presentations specifically for the Indiana Judicial Center and Indiana Judicial Conference:

Magistrate Orientation	09/99	Relationship with your Judge & other Magistrates
Annual Judicial Conference	09/02	Judicial Family Ethics - Panel
General Jurisdiction Orientation	01/03	Extra-Judicial Activities
Annual Judicial Conference	09/03	Domestic Relations: Alternative Dispute Resolution (ADR)
Supreme Ct District Meeting	03/04	ADR
General Jurisdiction Orientation	01/05	Managing Domestic Relations Docket
Spring Judicial College	04/05	ADR Options panels
Annual Judicial Conference	09/07	Recent Legislation Panel
Annual Judicial Conference	09/08	Recent Legislation, New Rules & Intra-State
General Jurisdiction Orientation	01/09	Domestic Relations Cases
General Jurisdiction Orientation	01/09	Judicial Balance
Probation Annual Meeting	05/09	Adult Legislation & Cases

Annual Judicial Conference	09/09	Practical Tips Engaging w/ Media
Spring Judicial College	04/10	Sentencing Options for OWI Offenders
Annual Judicial Conference	09/10	All you wanted to know about Senior Judging
Winter Conference	12/11	Counties in Financial Crisis & the Appropriate Use
Spring Judicial College	04/13	Opinion & Expert Testimony
Recent Legislation	05/13	Family Law, Jud Admin, Salary/Benefits
Annual Judicial Conference	09/13	Expungement HEA 1482
Spring Regional Workshop	4/14	HEA 1006 Criminal Code Revision
Spring Regional Workshop	4/14	HEA 1006 Criminal Code Revision
Spring Regional Workshop	4/14	HEA 1006 Criminal Code Revision
Summer Workshop	7/14	HEA 1006 Criminal Code Revision
Summer Workshop	7/14	HEA 1006 Criminal Code Revision
Webinar	11/14	Navigating Your Way Through the UCCJEA

As noted, I presented one of the first webinars for Indiana judges in November, 2014 on the Uniform Child Custody Jurisdiction Act and received the highest approval ratings of all the judges who presented. Most notably and recently, I was part of a team of four judges who made five presentations across the state in 2014 to teach judicial officers about the vast changes to Indiana's criminal code (House Enrolled Act 1006). I additionally was one of four judges selected by the Indiana Supreme Court to attend the National Judicial College's course on "Leadership for Judges" in August, 2015, which will be presented by us to Indiana's judicial officers in April, 2016.

I have also been actively involved on both the state and local level in the rollout of the funding piece of HEA 1006 (previously discussed). This bill radically changes the direction of future criminal justice funding from the Indiana General Assembly through the Indiana Department of Correction and the Indiana Division of Mental Health. I was part of a presentation to members of the Indiana General Assembly as a part of the Indiana State Bar Association's Law School for Legislators in November, 2015 on the local efforts to implement this new direction of criminal justice funding. Locally, I assisted in the development of a collaboration plan required by the new legislation between all the pertinent agencies providing local criminal justice services (Allen County Community Corrections and Allen County Adult Probation primarily).

I am the supervising judge for the Allen County Adult Probation Department and have served in that capacity since 2003. Being the supervising judge means providing oversight for the Probation Department's budget, policy-making and its 44 employees (both probation officers and support staff). A recent collaboration and leadership effort has been to oversee Allen County's participation in the state's "incentives and sanctions" project overseen by the Indiana Judicial Center. A select group of counties were chosen to participate (with Allen County taking the lead) to examine how probationers respond to incentives (praise, small tokens like bus passes, etc.) instead of primarily being

supervised under the threat of sanctions. This project illustrates my commitment to always being willing to say “yes” when asked to participate by the Indiana Supreme Court, the Indiana Judicial Center, the Indiana General Assembly, etc. All these entities know that they can count on me and the Allen Circuit Court to be a part of new initiatives and projects to further the administration of justice.

One more recent achievement involving a great deal of collaboration is the establishment of the Allen County Veterans Treatment Court, launched on Veterans Day, 2013. This is a collaborative effort between the Allen Circuit Mental Health (Restoration) Court, the Allen Superior Drug Court, Allen County Community Corrections, Allen County Probation and Allen Superior Court Criminal Division Services. There are currently approximately 30 veterans participating in the joint court, with 10 veterans graduating in 2014 (at a ceremony featuring Congressman Marlin Stutzman as the keynote speaker) and 9 veterans graduating in 2015 (at a ceremony featuring Indiana Supreme Court Justice Steven David as the keynote speaker). The Allen Circuit Veterans Treatment Court has been certified as a problem solving court by the Indiana Judicial Center, the same as the aforementioned Allen Circuit Court Mental Health (Restoration) Court, certified since 2010 and over which I also preside.

In the past three years I have authored forms for use statewide in expungement cases and change of gender designation cases.

I have also served for several years as a judge for the annual Moot Court Competition at the Indiana University – Maurer School of Law. Additionally, I have served as a judge for the local We the People civics education competition for middle and high school students.

I have mentioned being a charter member of the Indiana Tech Law School Board of Visitors and an adjunct professor for the Spring, 2015 semester. I have also presented on panel discussions with the law students talking about legal ethics and professionalism. I have been a mentor for one of the charter class’s students since the school opened, with that mentoring relationship now in its third year. I have sponsored and supervised two externs and one summer intern from the law school and am committed to a full partnership between the law school and the Allen Circuit Court. Law School Dean Charles Cercone was recently quoted: “If I had to point to the most indispensable community supporter in the Law School’s short history, it would be Judge Felts.”

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

I have long felt that a judge should play an active role in his/her community outside of strictly the “legal profession”. I was very involved in my community while in private practice (as listed separately in this application, including Leadership Fort Wayne), but I was also involved following my appointment to the Court in the INVENT TOMORROW

2000 CIVIC PLANNING INITIATIVE (2000 – 2001), a new millennium initiative to look at and discuss what Fort Wayne’s future should be in the new century, as well as the VISION 2020 CITIZENS ACTION PANEL (2011- 2012), a related initiative sponsored by Greater Fort Wayne, Inc. which examined how far the earlier plans had progressed. A judge cannot be actively involved politically (per the Code of Judicial Conduct), but I am a member of the Allen County Republican Party and support the party’s activities as much as I am able. I have also spoken at many community events, most recently being the keynote speaker at the Veterans’ Day celebration ceremony at IPFW.

- C. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) to improve your local, state, or national community through charitable work or public service. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

I have listed elsewhere in this application my long list of charitable organizations which evidence my deep commitment to charitable work and public service in my community. I heard long ago Mahatma Gandhi’s famous quote: “The best way to find yourself is to lose yourself in the service of others” and have actively tried to take that to heart. In addition to the list of organizations, etc. I previously mentioned, I am an active member of Most Precious Blood Catholic Church, singing in the parish choir and serving as a cantor and substitute liturgist.

- D. Describe the nature and extent of any *pro bono* legal services you have contributed.

While in private practice I was often asked for legal assistance by the various not-for-profits and other agencies on whose boards I sat. Additionally, my senior partner J. Philip Burt has long been very involved in pro bono efforts statewide, and all attorneys in our firm were also active in providing pro bono legal assistance. Since I have been on the bench, my direct pro bono involvement has been more directed toward working with the pro bono organizations in town in better collaborating with each other. I served on the Volunteer Lawyers Program of Northeast Indiana, Inc.’s Board of Directors from 2003 – 2007.

- E. Indicate your experience teaching law. Provide the dates, names of institutions or programs, and a description of the subject matter taught.

I served as an adjunct professor (also known as a limited term lecturer) at Indiana University – Purdue University Fort Wayne for fourteen (14) semesters from 08/2000 – 05/2007. I taught a course in Purdue’s Division of Organizational Leadership and Supervision entitled “Elements of Law”, which was a basic survey of law class required for OLS majors.

I served as an adjunct professor at Indiana Tech Law School during the Spring semester of 2015 (01 – 05/15). I team taught Family Law along with a local attorney.

8. Memberships and Other Activities

- A. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

INDIANA STATE BAR ASSOCIATION: I have been a member of the Indiana State Bar Association since 1979 and have served at various times on its State Legislation and Improvements in the Judicial System Committees (chairing the latter committee 2011-2012). I served on its Board of Governors from 2011- 2013 as a District Representative and serve currently on the Board as the Chair of the House of Delegates. I am currently a member of the Nominating, Budget and Wellness Committees and served as Chair of the Committee on Rules and Calendar in 2014. I received an Indiana State Bar Association Presidential Citation in 2013 and was named a Fellow of the Indiana Bar Foundation (affiliated organization) in 2014.

My most extensive and rewarding involvement in the ISBA is serving as Chair of the Leadership Development Academy Committee from 2013 to the present. This Committee is responsible for the planning and execution of the annual Leadership Development Academy in which 25 young lawyers from around the state meet for five sessions each year to learn about leadership both in the legal community and their local communities. Although each year's graduates thank me for all they have learned from me during the year, I truly learn much more from them about what it means to be an effective leader, focusing on collaboration and selflessness, and emphasizing the importance of relationships.

INDIANA JUDGES ASSOCIATION: I have been a member of the Indiana Judges Association since magistrates were first permitted to join in 1999. I was the first magistrate to be named to the IJA Board of Managers in 1999 and served then until 2002 when I had to leave the Board due to my election as a judge. I returned to the Board of Managers in 2003 and have been a member of the Board ever since until the present. I was elected and served as Secretary-Treasurer (2003 – 2005), Vice-President (2005 – 2007), President (2007 – 2009) and Past-President (2009 – 2011).

ALLEN COUNTY BAR ASSOCIATION: I have been a member of the Allen County Bar Association since 1979 and have served at various times on its State Legislation, Bench-Bar and Gridiron Committees. I served on the Allen County Bar Foundation (affiliated organization) Board of Directors from 1998 – 2004 and on the ACBA's Nominating Committee in 2004. I also served as Chair of the Young Lawyers Section and served on other committees and projects as well.

INDIANA JUDICIAL CONFERENCE: I have been a member of the Indiana Judicial Conference since 1989 and have served on its Special Courts, Domestic Relations, Probation and Judicial Education Committees (currently). I also currently serve on the Indiana Supreme Court's Strategic Planning Committee (since its inception in 2008), which serves as the planning and advisory committee for the Indiana Supreme Court. I am also a current member of the Indiana Judicial Conference Board of Directors (2007 – 2009, 2012 – present).

This is a group of judges and magistrates which works as the education and policy-making body for the Indiana Supreme Court.

INDIANA TECH LAW SCHOOL BOARD OF VISITORS: I have been a member of the Indiana Tech Law School Board of Visitors since its inception in 2013. This is an advisory board, composed of members of the bench, bar and local communities, which serves as an advisor to the Dean on a variety of policy matters.

- B. List any memberships and offices you have held in civic, charitable, or service organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Civic Organizations:

CURRENT:

1. **FORT WAYNE METRO YMCA:** I have served on the Metro YMCA Board of Directors since September, 2015. This group serves in an advisory capacity to the Executive Director of all the Greater Fort Wayne YMCA branches.

PREVIOUS:

2. **GREATER FORT WAYNE CHAMBER OF COMMERCE:** I served as the Chair of the Legislative Action Committee from 1985 – 1988. This group hosted “Third House” on Saturdays during the General Assembly sessions to give local business leaders the opportunity to interact with local legislators.
3. **LEADERSHIP FORT WAYNE:** I was a member of the Leadership Fort Wayne Class of 1988, an effort designed to train local civic leaders. I then served on the LFW Alumni Association Board of Directors from 1990 – 1992, serving as President in 1991.
4. **FORT WAYNE CENTRAL BRANCH YMCA:** I served on this YMCA branch’s Board of Directors from 1998 – 2004. The board serves in an advisory capacity to the branch’s Executive Director.
5. **FORT WAYNE EDUCATIONAL FOUNDATION (now QUESTA FOUNDATION):** I served on this board of directors from 2001 – 2004 and chaired its grant approval committee 2003 – 2004. It is an organization which provides scholarship and loan assistance for those who wish to attend college but with limited means.

Charitable Organizations:

CURRENT:

1. **ST. JOSEPH COMMUNITY HEALTH FOUNDATION:** I have served on this Board of Directors and Grants Committee since September, 2014. It is a foundation whose mission is focused on provision of health-related services to those in need.

PREVIOUS:

2. **NATIONAL SPINAL CORD INJURY FOUNDATION, FORT WAYNE CHAPTER:** This was the first not-for-profit board on which I served (1981-82). I had a real estate client who had been injured in an automobile accident and who asked me to serve on the board. It is an organization devoted to providing services to those with spinal cord injuries.

3. **SAINT ANNE HOME:** I served on this board of directors from 1983 – 1988 and as its president in 1987. It is a Catholic nursing home facility in Fort Wayne.

4. **FORT WAYNE CIVIC THEATRE:** I initially served on this board of directors as an intern while with Leadership Fort Wayne in 1988. I was then asked to stay on the Board and served through 1992, elected as Secretary in 1991. One of the projects I initiated which still continues today is securing grant funding to sign the performances for the hearing-impaired.

5. **BISHOP LUERS HIGH SCHOOL:** I served as musical director for Bishop Luers High School musical productions in various years (1991 – 1994, 1998, 2001, 2003 and 2008). Additionally I have served as the keyboard judge for the annual Show Choir Invitational every year since 2000.

6. **WEISSER PARK ELEMENTARY SCHOOL:** I was the PTA treasurer in 1993 while my boys attended school there.

7. **FORT WAYNE YOUTHEATRE:** I served on this board of directors from 1996 – 1999, serving as board secretary the last three years. It is an organization which provides theatre classes and performances for those under age 18.

8. **FOELLINGER FOUNDATION:** I have served Fort Wayne's pre-eminent private foundation devoted to children, youth and family matters in a number of capacities. I began by chairing a Parent Education Study Committee (later renamed Parent Enrichment Study Committee) from 2002 – 2004. I was then elected to the board of directors and served from 2005 – 2014. I also held various offices: Vice-President/Secretary (2009 – 2010, 2011 – 2014), Audit Committee (2006 – 2008, 2012 – 2014, Chair, 2014), Board Development Committee (2006 – 2011, Chair, 2008 – 2011), Community Interests Grant Review Advisory Committee (2011 – 2012, Chair, 2011), and Investment and Finance Committee (2014).

Service Organizations:

CURRENT:

1. **ALLEN COUNTY COURTHOUSE PRESERVATION TRUST:** I have served on this board of directors since 2002. It is an organization dedicated to the preservation and maintenance of our beautiful Allen County Courthouse.

PREVIOUS:

2. **NOTRE DAME CLUB OF FORT WAYNE:** I served this organization of University of Notre Dame alumni in this area on the Board of Directors from 1989 – 1993 and held the following offices: Treasurer (1989), Secretary (1990), Vice-President (1991) and President (1992). I was also named the Club's Person of the Year in 1996.

3. **ST. JOHN THE BAPTIST CATHOLIC CHURCH:** I served on my parish's pastoral council from 1994 – 1997, serving as secretary in 1996.

4. **SOUTH SIDE HIGH SCHOOL:** I served on my son's high school's Athletic Booster Club board of directors from 1997 – 2001, serving also as the boys swimming parent liaison 1997 – 2001 and board secretary 1999 – 2001.

5. **MEMORIAL PARK MIDDLE SCHOOL:** I served as the PTA Legislative Chair from 1998– 2000.

C. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

I am a member of the American Judicature Society (national ethics-based organization with membership paid by the Indiana Supreme Court), the Fort Wayne Track Club (devoted to strengthening the Fort Wayne running community by sponsoring races and clinics), the Fort Wayne Greenway Consortium (a group dedicated to maintaining and further developing the Greenway trails system in Fort Wayne and Allen County), and the Rails-to-Trails Conservancy (a similar group specifically focused on revamping abandoned railways into running and biking trails). I am also a member of the Knights of Columbus, a Catholic-based men's service organization (I presume membership limited to Catholic men).

D. Describe your hobbies and other leisure activities.

Maintaining a busy court docket and actively participating in all the organizations and service work I do leaves relatively little time for hobbies or other leisure activities. It is

not unusual for me to be in the office 9-10 hours a day and often for a period of time both Saturday and Sunday.

My hobbies and leisure activities would likely center around three areas: running/working out, service to my church and music. I am a devoted member of the Fort Wayne YMCA, most often there each morning before work and oftentimes over the lunch hour as well. I run between 25-45 miles a week, depending on my schedule, an upcoming race, etc. I have completed a total of 24 marathons, highlighted by running the Boston Marathon twice (2006 and 2007), with the most recent being the Columbus, Ohio marathon in 2015.

I find running and working out not only are beneficial for my physical health but are great stress relievers as well. I am a charter member of the Indiana State Bar Association's Wellness Committee, and have been responsible for leading the 5K run/walk at the past 3 Indiana State Bar Association's and Indiana Judicial Conference's annual meetings.

I am an active member of Most Precious Blood Catholic Church in Fort Wayne. I previously mentioned singing in my parish choir and serving as my church's substitute liturgist (when the regular liturgist is on vacation, etc.). I also serve as the cantor for our local annual Red Mass (for judges, lawyers and public officials), am on the Mass server schedule for our local Catholic downtown chapel, and often provide the music for our local televised TV Mass.

As for music, I have played the piano since I was 7 years old and have been a musical director for high school, college and community theatre groups. In most recent years, as somewhat mentioned above, my music performance has been primarily church-related. Additionally, since 1992 I have been a member of a three-man contemporary Catholic and Christian music group (calling ourselves TTK after our first name initials), which has recorded two CD's and has performed at several churches in the Fort Wayne area (including providing the liturgy for the 2000 community-wide Catholic confirmation celebration). Over the past 15 years, we have also provided the music 2-4 times a year as hospice volunteers for memorial services for Parkview Hospital Home Health & Hospice in Fort Wayne, Columbia City and Huntington. I also most recently provided the piano accompaniment for a community retirement party for local TV anchor Melissa Long (wife of State Senate President David Long).

I also very much enjoy spending what time I can with my family. I have been married for 34 years to my wife Kay, who is a nurse practitioner at Parkview Health System in Fort Wayne and who works even more hours than I do. We have three children: Erik (a first grade school teacher in Indianapolis), John (a marketing specialist for Visit Fort Wayne) and David (a third-year student at Indiana Tech Law School). My wife and I are also the very proud grandparents of our two year old granddaughter Brynn, who lives with my son Erik and his wife Lauren in Indianapolis.

9. Legal Proceedings

- A. List any lawsuits or legal proceedings in any jurisdiction, including but not limited to bankruptcies, dissolutions, and criminal matters to which you have been a party. Provide dates, case numbers, courts, names of other parties, and, if needed, a brief explanation. (If minor children are involved [i.e. an adoption], use initials only.)

I have been sued in my capacity as a judge on a few occasions, by disgruntled or dissatisfied litigants, but all such actions were dismissed prior to any court appearance or formal resolution.

- B. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

I was arrested for Operating While Intoxicated, a Class A misdemeanor, in Marion County, Indiana on July 19, 2008 (State of Indiana vs. Thomas Felts, Marion Superior Court Cause Number 49Fo7-0807-CM-169837). I had been out to dinner with a group of friends and drove after I had too much to drink. I entered a plea of guilty on August 21, 2008 and received the standard misdemeanor sentence: one year in jail (suspended), one year of probation, a ninety-day driver's license suspension, alcohol treatment with a private provider, attendance at a panel presentation by Advocates Against Impaired Driving, and payment of costs and fees. I successfully completed all conditions of the sentence without incident (I was assessed for alcohol treatment and was determined it wasn't necessary) and was released early from probation in June, 2009. The records of this arrest and conviction have been expunged by the Marion Superior Court pursuant to statute.

- C. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number (if applicable), and describe the circumstances and the nature of the outcome or resolution.

I received a public reprimand from the Indiana Supreme Court on March 11, 2009 as a result of a judicial disciplinary action brought by the Indiana Commission on Judicial Qualifications based on the incident described above (Indiana Supreme Court Cause Number 02S00-0901-JD-26).

- D. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

N/A

10. References

- A. Provide the names of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court (contact information to be included in Part Two of this application).

Thomas A. Hardin, Assistant County Attorney, Shine & Hardin Law Firm, Fort Wayne, IN (letter of recommendation enclosed)

Robert W. Eherenman, Assistant County Attorney, Haller & Colvin Law Firm, Fort Wayne, IN (letter of recommendation enclosed)

Randall J. Hammond, Chief Public Defender of Allen County, Fort Wayne, IN (letter of recommendation enclosed)

- B. Provide the names of three professional references other than those listed in Subsection 10A (contact information to be included in Part Two of this application).

Steven R. Shine, Attorney/Allen County Republican County Chair, Shine & Hardin Law Firm, Fort Wayne, IN (letter of recommendation enclosed)

Senator David C. Long, Attorney/Indiana Senate President Pro Tempore (letter of recommendation enclosed)

David J. Bobilya, Chief Executive Officer, Pizza Hut of Fort Wayne, Inc. (letter of recommendation enclosed)

- C. Provide the names of three personal references other than those listed in Subsection 10A or 10B (contact information to be included in Part Two of this application).

Reverend Joseph Gaughan, Pastor, Most Precious Blood Catholic Church, Fort Wayne, IN (letter of recommendation enclosed)

Cheryl Taylor, President/Chief Executive Officer, Foellinger Foundation, Fort Wayne, IN (letter of recommendation enclosed)

Craig J. Bobay, Chief Judge, Allen Superior Court, Fort Wayne, IN (letter of recommendation enclosed)

11. State Police Release Form and Photograph

- A. Complete a State Police release form printed on green paper (you may obtain the release form by contacting the Nominating Commission Office at 317-232-4706). Include the release form with the original application only and not with the copies.

A completed State Police release form is attached.

- B. Attach a recent photograph of you to the front of the original application and to each copy of your application. (This allows the Commission members to put a face with a name if you are interviewed in person.)

A recent photograph is attached.

Date

Applicant Signature

Printed Name

